

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

**October 21, 2020**

MOTOR CARRIER MATTER

☐

DOCKET NO.

**2020-224-C**

UTILITIES MATTER

☒

ORDER NO.

**SUBJECT:**

**DOCKET NO. 2020-224-C** - Michael Madden, Complainant/Petitioner v. Charter Spectrum (Charter Communications, LLC) (Charter Fiberlink-SC CCO, LLC), Defendants/Respondents - Staff Presents for Commission Consideration Complainant/Petitioner's Motion to Amend Complaint, as well as the Defendants/Respondents' Motion to Dismiss.

**COMMISSION ACTION:**

The Complainant filed a complaint with the Commission concerning certain billing practices of Charter Spectrum. The Complainant also alleged that after he spoke with Charter Spectrum that an agreeable arrangement was negotiated which Charter Spectrum did not honor.

Charter Communications, LLC d/b/a Spectrum is a cable operator and broadband communications service company providing video, internet, and voice services to customers through its affiliated corporate entities.

Charter Communications filed a Motion to Dismiss and provided copies of billing records with its motion. The billing records reflect that the Complainant purchases cable television/video, internet, and voice services from Charter Communications. It is apparent that the Complainant takes issue with the charges for the television/video portion of the bill reflected on the bill as "Spectrum TV." A review of the bill also indicates that the bill was subject to a "promotional discount" and a notice that the promotional discount ending was in the June 28, 2020 billing statement.

The Public Service Commission possesses only the authority given it by the legislature. *South Carolina Cable Television Ass'n v. Public Serv. Comm'n*, 313 S.C. 48, 437 S.E.2d 38 (1993).

Charter Communications is not a regulated telecommunications utility subject to the Commission's jurisdiction, and therefore, is not identified as a regulated telecommunications entity. South Carolina Code Ann. § 58-3-140(A) limits the Commission's powers and jurisdiction to rates charged by "public utilities." Providers of cable television services are not included in the definition of "public utilities" subject to the Commission's jurisdiction. Therefore, providers of cable television services are not "regulated public utilities" in South Carolina and cable television services are not regulated services. Because cable television providers are not public utilities under South Carolina law, these companies are not subject to the jurisdiction of the Commission. S.C. Code Ann. § 58-3-5(6) (2015).

I move that the Commission find and conclude that it lacks subject matter jurisdiction over

this complaint between a customer and the cable television company and that the Commission grant the Motion to Dismiss.

Based upon granting the Motion to Dismiss for lack of subject matter jurisdiction, I further move that the Commission find there are no active issues to be resolved related to the Motion to Amend the Complaint filed by the Complainant or the Motion of Charter Communications to Strike the Complainant's Surreponse and to Dismiss the Amended Complaint for lack of authority and subject matter jurisdiction.

PRESIDING: J. Williams

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER	
BELSER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room
CASTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room
ERVIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Voting via Skype
POWERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room
THOMAS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Voting via Skype
C. WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Voting via Skype
J. WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room

(SEAL)

RECORDED BY: J. Schmieding

